IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 27353 of 2007(F)

PETITIONER:

P.OMANA, AGED 46 YEARS,
W/O. SADANANDAN, KARUNALAYAM,
POTHAPPALLI VADAKUMMURIYIL,KUMARAPURAM VILLAGE,
KARTHIKAPILLI TALUK,ALAPPUZHA.

BY ADV. SRI.BIJU M.JOHN
SRI.K.JAISHANKAR
SMT.NIKHILA SOMAN

RESPONDENTS:

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1. THE STATE OF KERALA
REP. BY THE SECRETARY T HOME MINISTRY
THIRUVANANTHAPURAM.

2. SUPERINTENDENT OF POLICE
ALAPPUZHA.

3. SUB INSPECTOR OF POLICE,
HARIPAD.

BY GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P.C.No.27353 of 2007

Dated this the 24th day of September 2007

J U D G M E N T

The grievance of the petitioner is that no proper investigation is being conducted into crime No.326/2007 of Harippad police station registered in respect of the death of the daughter of the petitioner. She died under suspicious circumstances on 22/7/2007 after consuming poison. The grievance of the petitioner is that no proper investigation has been conducted into the said crime. Therefore, the petitioner has prayed that the investigation may be entrusted in safer and more competent hands.

2. The learned Public Prosecutor on instructions submits that the investigation is being done properly and efficiently now. Initially, investigation was conducted by the police officials of the local police station but in the course of investigation report has been filed to the learned Magistrate to inform the learned Magistrate that offences under Section 306 I.P.C and Section 3 (ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act have also been committed. The investigation is now being conducted by the Dy.S.P - Kayamkulam. He is in charge of the investigation from 27/7/2007. The investigation is

in progress. A proper, fair and efficient investigation shall be conducted by the Dy.S.P. It is not necessary to issue any further directions in this writ petition now, submits the learned Public Prosecutor.

3. I take note that the grievance raised by the petitioner does not really survive now. The crime is being investigated by a Dy.S.P after including the allegation under Section 306 I.P.C and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. I have no reason to assume that the present investigating officer shall not conduct a proper, efficient and expeditious investigation. I am, in these circumstances, satisfied that no further directions need be issued in this writ petition.

4. This writ petition is in these circumstances dismissed. I make it clear that the dismissal of this writ petition will not in any way fetter the rights of the petitioner who shall be at liberty to approach this court at a later stage, should he feel that the investigation which is being conducted by the Dy.S.P, Kayamkulam is not fair, sufficient and adequate.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007